

Message Text

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ACTION SS-25

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O 301645Z MAR 77
FM AMEMBASSY NICOSIA
TO SECSTATE WASHDC IMMEDIATE 5596
INFO AMEMBASSY VIENNA IMMEDIATE

C O N F I D E N T I A L SECTION 1 OF 2 NICOSIA 0882

EXDIS

VIENNA FOR LEDSKY

E.O. 11652: GDS
TAGS: PFOR, CY
SUBJECT: VIENNA/CYPRUS NEGOTIATIONS : GREEK CYPRIOT
VIEWS ON CONSTITUTION

REF: NICOSIA 0879

1. FOLLOWING IS THE TEXT OF A DOCUMENT (REFERRED TO AS
DOCUMENT TWO IN REFTEL) GIVEN TO AMBASSADOR BY GOC FONMIN
CHRISTOPHIDES ON MAR 29 WHICH LATTER SAID REPRESENTS GOC
VIEWS FOR USE IN VIENNA DISCUSSIONS ON CONSTITUTIONAL
ASPECT. QUOTE

CONSTITUTIONAL STRUCTURE OF THE FEDERAL REPUBLIC OF CYPRUS
--1. THE FEDERAL REPUBLIC OF CYPRUS (HEREINAFTER REFERRED
TO AS "THE FEDERAL REPUBLIC") SHALL BE AN INDEPENDENT,
SOVERIGN, NON-ALIGNED, BI-COMMUNAL FEDERAL REPUBLIC
CONSISTING OF THE GREEK CYPRIOT REGION AND THE TURKISH
CYPRIOT REGION (HEREAFTER REFERRED TO AS "THE REGIONS").
--2. THE TERRITORY OF THE FEDERAL REPUBLIC CONSTITUTES
A SINGLE AND INDIVISIBLE WHOLE AND SHALL CONSIST OF THE
TERRITORIES OF THE REGIONS. THE STATE POWER OF THE
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FEDERAL REPUBLIC SHALL BE EXERCISED THROUGHOUT THIS
TERRITORY ON ALL PERSON THEREIN.
--3.(1) THE PEOPLE OF THE FEDERAL REPUBLIC SHALL COMPRISE
THE PEOPLE OF THE REGIONS. THERE SHALL BE ONE SOLE CITIZEN-
SHIP FOR THE WHOLE OF THE FEDERAL REPUBLIC.
(2) EVERY CITIZEN SHALL ENJOY AND EXERCISE HIS POLITICAL
RIGHTS, INSOFAR AS THE FEDERAL GOVERNMENT IS CONCERNED,

IRRESPECTIVE OF HIS PLACE OF RESIDENCE IN THE REPUBLIC.

THE EXERCISE BY A CITIZEN OF POLITICAL RIGHTS WITH RESPECT TO THE ADMINISTRATION OF THE REGION IN WHICH HE RESIDES SHALL BE REGULATED BY CONSTITUTIONAL ARRANGEMENTS.

--4. THE FEDERAL REPUBLIC SHALL BE THE SOLE SUBJECT OF INTERNATIONAL LAW, TO THE EXCLUSION OF THE REGIONS.

--5. THE FEDERAL REPUBLIC SHALL FORM A SINGLE ECONOMIC UNITY.

--6. THE CONSTITUTIONAL ORDER IN THE REGIONS SHALL CONFORM WITH THE FEDERAL CONSTITUTION AND THE PRINCIPLES OF REPUBLICAN AND DEMOCRATIC GOVERNMENT BASED ON THE RULE OF LAW.

--7. IN THE FEDERAL REPUBLIC AND THROUGHOUT ITS TERRITORY, THE FUNDAMENTAL RIGHTS AND LIBERTIES AS PROVIDED IN PART II OF THE CONSTITUTION OF THE REPUBLIC OF CYPRUS OF 1960, IN THE EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND ITS PROTOCOLS, AND IN THE UNITED NATIONS INTERNATIONAL CONVENANTS ON HUMAN RIGHTS SHALL CONTINUE TO APPLY, INCLUDING FREEDOM OF MOVEMENT, FREEDOM OF SETTLEMENT, AND RIGHT OF PROPERTY.

--8. THE GENERAL RULES OF PUBLIC INTERNATIONAL LAW ARE AN INTEGRAL PART OF THE FEDERAL LAW. THEY SHALL TAKE PRECEDENCE OVER THE DOMESTIC LAW AND SHALL DIRECTLY CREATE RIGHTS AND DUTIES FOR THE INHABITANTS OF THE TERRITORY OF THE FEDERAL REPUBLIC.

--9. THE FORM OF GOVERNMENT OF THE FEDERAL REPUBLIC SHALL BE PRESIDENTIAL WITH A PRESIDENT AND A VICE-PRESIDENT, ELECTED BY UNIVERSAL SUFFRAGE IN SUCH A WAY AS MAY BE PROVIDED IN THE CONSTITUTION OR IN A LAW MADE THEREAFTER. IF A GREEK CYPRIOT IS ELECTED AS PRESIDENT THEN THE VICE-PRESIDENT SHALL BE A TURKISH CYPRIOT AND VICE VERSA.

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--10.(1) THE PRESIDENT OF THE FEDERAL REPUBLIC SHALL BE THE HEAD, AND THE VICE-PRESIDENT OF THE REPUBLIC THE DEPUTY HEAD, OF THE FEDERAL REPUBLIC.

(2) IN CASE OF ABSENCE OR INABILITY OF THE PRESIDENT HIS POWERS SHALL BE EXERCISED BY THE VICE-PRESIDENT.

--11.(1) THE LEGISLATIVE POWER OF THE FEDERAL REPUBLIC SHALL BE EXERCISED BY TWO LEGISLATIVE BODIES, THE ONE CALLED "THE FEDERAL HOUSE", REPRESENTING THE REGIONS, AND THE OTHER CALLED "THE HOUSE OF REPRESENTATIVES", REPRESENTING THE PEOPLE.

(2) THE REPRESENTATION OF THE REGIONS IN THE FEDERAL HOUSE AND THE REPRESENTATION OF THE PEOPLE IN THE HOUSE OF REPRESENTATIVES SHALL, SUBJECT TO PARAGRAPH 16, BE REGULATED BY THE CONSTITUTION.

(3) THE FUNDAMENTAL PRINCIPLES OF PARLIAMENTARY PROCEDURE AND ESPECIALLY THE DELAYING POWERS OF THE FEDERAL HOUSE, OF THE ELECTORAL LAW AND OF ANY LAW RELATING TO THE FEDERAL COURTS SHALL BE PROVIDED IN THE CONSTITUTION.

(4) ANY AMENDMENT OF THE FEDERAL CONSTITUTION SHALL

REQUIRE A SEPARATE MAJORITY OF THE MEMBERS REPRESENTING
THE TWO REGIONS IN THE FEDERAL HOUSE.

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AMEMBASSY VIENNA IMMEDIATE

C O N F I D E N T I A L SECTION 2 OF 2 NICOSIA 0882

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--12.(1) THE LEGISLATIVE POWERS OF THE FEDERAL REPUBLIC
SHALL BE CONTAINED IN THE FEDERAL LIST AND THOSE OF THE
REGIONS IN THE REGIONAL LIST.

(2) THE RESIDUAL POWER SHALL VEST (SIC) IN THE FEDERAL
REPUBLIC.

(3) IN CASE OF ANY CONFLICT BETWEEN A FEDERAL LAW
AND A REGIONAL LAW THE FEDERAL LAW SHALL PREVAIL.

--13.(1) THE EXECUTIVE POWER OF THE FEDERAL REPUBLIC
SHALL BE EXERCISED BY THE PRESIDENT OF THE REPUBLIC, WHO
FOR THIS PURPOSE SHALL HAVE A COUNCIL OF MINISTERS.

(2) THE COMPOSITION OF THE COUNCIL OF MINISTERS AND
ITS FUNCTIONS SHALL BE PROVIDED BY THE CONSTITUTION.

--14.(1) THE JUDICIAL POWER OF THE FEDERAL REPUBLIC
SHALL BE EXERCISED BY THE FEDERAL SUPREME COURT AND
THE FEDERAL COURTS SUBORDINATE THERETO.

(2) THE FEDERAL SUPREME COURT SHALL BE THE
CONSTITUTIONAL COURT OF THE REPUBLIC AND THE FINAL
APPELLATE COURT IN THE REPUBLIC.

(3) THE COMPOSITION AND JURISDICTION OF THE FEDERAL
COURTS SHALL BE REGULATED BY THE CONSTITUTION AND BY A
LAW MADE THEREUNDER.

--15. EVERY CITIZEN OF THE REPUBLIC SHALL BE EQUALLY
ELIGIBLE TO BE APPOINTED TO ANY FEDERAL PUBLIC OFFICE.

--16. THE PARTICIPATION OF THE TWO COMMUNITIES IN THE
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FEDERAL HOUSE, IN THE HOUSE OF REPRESENTATIVES, IN THE COUNCIL OF MINISTERS, IN THE FEDERAL SUPREME COURT, IN THE HIGHEST FEDERAL ORGANS, AND IN THE PUBLIC SERVICE SHALL BE PROPORTIONATE TO THE RATIO OF THE POPULATION, SUBJECT TO EQUITABLE SAFEGUARDS ON CERTAIN SPECIFIC MATTERS. UNQUOTE

2. PARAGRAPH 12(1) OF THE ABOVE DOCUMENT REFERS TO A "FEDERAL LIST" AND A "REGIONAL LIST." TEXT OF THESE LISTS, REFERRED TO AS DOCUMENT THREE IN REFTEL, IS A VERBATIM REPEAT OF THAT PORTION OF THE PROPOSALS OF THE GREEK CYPRIOT SIDE OF APRIL 1976 ENTITLED "POWERS OF THE FEDERAL GOVERNMENT AND OF REGIONAL ADMINISTRATION." AS NOTED IN REFTEL, THIS TEXT IS ALREADY AVAILABLE TO DEPARTMENT IN UN PUBLICATION. CRAWFORD

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